

REMARKS

Reconsideration and allowance of the subject patent application are respectfully requested.

An Information Disclosure Statement (IDS) was filed on November 27, 2006. Applicants respectfully request that an initialed PTO-1449 form for this IDS be returned with the next office action. A copy of the IDS of November 27, 2006 is attached hereto for the Examiner's convenience.

Claims 1 and 3 were rejected under 35 U.S.C. Section 102(b) as allegedly being "anticipated" by the Admitted Prior Art of pages 1-2 and Figures 4A-4C. For at least the reasons set forth below, Applicants traverse this rejection.

The Office Action essentially contends that the unit shown in Figure 4A can be held upside down to disclose the features of claim 1 because the claim does not provide any "reference point" for orientation. Without acquiescing to the propriety of the rejection, claim 1 has been amended to make the "reference point" for orientation of the apparatus yet clearer. In particular, currently amended claim 1 now requires that the free-end portion of the hand strap does not swing and move into a field of view of the camera "when the mobile apparatus is held for photographing in an upright position in which a longer side of the mobile apparatus is held upright with the top portion thereof in which the earphone section is disposed being directed upward and the bottom portion thereof in which the microphone section is disposed being directed downward." When the Figure 4A unit is oriented in the manner suggested by the Office Action, the top portion thereof is directed downward, not upward. Consequently, Figure 4A does not anticipate claims 1 and 3. Support for the features in currently amended claim 1 can be

found, for example, in the specification at paragraph 3 and can be seen visually, for example, in Figures 1A-1C.

Claims 1-3 were rejected under 35 U.S.C. Section 103(a) as allegedly being “obvious” over the Admitted Prior Art of pages 1-2 and Figures 4A-4C in view of Schweitzer et al. (U.S. 5,867,313). For at least the reasons set forth below, Applicants traverse this rejection.

Claim 1 requires “a hand strap hanging freely in a generally vertical direction from the apparatus . . . wherein the hand strap fitting part is formed in a position that comes below the camera lens on the identical surface on which the camera lens is located so that the free-end portion of the hand strap does not swing and move into a field of view of the camera lens when the mobile apparatus is held for photographing in an upright position in which a longer side of the mobile apparatus is held upright with the top portion thereof in which the earphone section is disposed being directed upward and the bottom portion thereof in which the microphone section is disposed being directed downward.” The Admitted Prior Art and Schweitzer et al., alone or in combination, fail to teach or suggest at least this feature of claim 1.

To remedy the acknowledged deficiency of the Admitted Prior Art with respect to the above-noted limitation, the Office Action relies on Schweitzer et al., which shows a multifunctional night vision monocular that has a tether line 184 extending from the first end 178 of the strap 176. In Schweitzer et al., the tether line 184 attaches to the lens cap, thereby preventing the lens cap from becoming lost. The Office Action concludes, “it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Admitted Prior Art Figures [sic] 4A by the teach of Schweitzer et al. in order to prevent the hand strap of AAPA’s mobile phone from being swung in front of the lens, thereby minimizing the chance of the lens strap detrimentally obstructing the lens during image capture.”


With respect to the specific teachings of Schweitzer et al., it is noted that the tether line 184 is for a lens cap, and the tether line 184 is merely a string to which a lens cap is attached. This tether line extends from an end of the strap 176 and does not constitute a hand strap. Thus, this lens cap tether line of Schweitzer et al. would not have suggested one of ordinary skill in the art how to rearrange the hand strap of the unit shown in Figures 4A-4C to result in the invention of claim 1.

Moreover, Schweitzer et al. already includes a hand strap 175 which is positioned rearwardly and on a different side of the monocular than the lens. Consequently, to the extent that Schweitzer et al. provides any teaching or suggestion with respect to positioning a hand strap, that teaching or suggestion would have been to position the hand strap rearwardly and/or on a different surface than the lens. Schweitzer et al. thus does not disclose and would not have suggested re-positioning the hand-strap of the unit shown in Figures 4A-4C in the manner specified in claim 1.

The pending claims are believed to be allowable and favorable office action is respectfully requested.

Respectfully submitted,

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